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VIA ELECTRONIC FILING

January 11, 2024

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Request for extension of privilege log deadline
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein,

This letter is written as required by the Order of the Court dated January 10, 2024, in response to the letter of the Plaintiff dated January 10, 2024, and to request an extension of the deadline to conduct the vendors conference as indicated in Order of the Court dated January 4, 2024, from January 12, 2024 to January 22, 2024. This is the second request for such an extension. The first was denied by the court in its Order dated January 10, 2024.

The factual allegations enumerated in Plaintiff's letter where he accuses us of a strategy to create delay are ironic considering he has spent fifteen months with my client's documents, with numerous personal delays of his own, and very little contact throughout last year, with long periods of silence in between, except when the time came around to request an extension. Finally, towards the end of the year he makes another application concerning the clarity of what was produced and yet could not even articulate to the Court during the conference held on December 21 what the exact issues were with the production.

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The “family matter” that arose and was responsible for my delay in reaching out to Setec is best addressed in the Affidavit opposing the imposition of sanctions that will be filed tomorrow. However, even with all of that to deal with, I dutifully secured the availability of the document vendor, TransPerfect. The point person is Stephen Kaludis. He told me he would work around all our schedules, a fact which was expressed to the Plaintiff during the January 5 phone call that was required by the Court. Plaintiff’s allegation that on January 4 I was unavailable to provide dates for the conference was due to the fact Setec’s availability was unknown, whereas everyone including my client had already expressed their immediate availability. During that call, Plaintiff also expressed how the biggest obstacle would be the availability of the vendors and that, most probably, the conference would not occur by January 12, 2024. However, due to my family matter, I did not reach out to anyone at Setec until the early evening of January 9. The president of Setec, Todd Stefan, acknowledged receipt of my email the next day but unfortunately did so after his phone call with the Plaintiff on January 10 during which he expressed he had not heard from anyone at my firm.

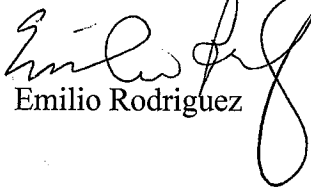
Subsequently, I have spent most of January 10 and 11 in contact with Todd Stefan and Michael Kunkel at Setec, but as of the writing of this letter late on January 11, I have not heard back from them as to possible dates for a conference with the Plaintiff. Mr. Stefan did take the time to request affidavits prepared by Michael Kunkel at Setec that had been filed by my client in the past. These were requested due to the fact neither he nor Mr. Kunkel remembers anything about what they did for Mr. Victor. He also indicated to me how inappropriate the call from the Plaintiff was, which is not surprising considering the company is understandably not in the habit of discussing matters involving former or current clients.

The reason for the extension is due to the fact, as stated before, we have not yet heard back from Setec as to their availability. I spoke to the Plaintiff earlier today and he consented to the extension and agreed there was little we could do but wait for Setec’s response, and also because he himself was headed out of town on personal business. No other dates need to be changed as a result of the vendors conference being held by January 22, 2024.

Therefore, we request an extension of the deadline for holding the vendors conference from January 12, 2024 to January 22, 2024.

Yours faithfully

Polizzotto & Polizzotto, LLC

A handwritten signature in black ink, appearing to read 'Emilio Rodriguez', with a large, stylized loop at the end.

Emilio Rodriguez